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Douglas A. Ducey,
Governor

Arizona State Board of
Podiatry Examiners
“Protecting the Public’s Health”

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OPEN SESSION MINUTES

March 9, 2022

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:30 a.m. on Wednesday, March 9, 2022, at 1740 West Adams St., Boardroom C, Phoenix, Arizona 85007. No Executive Sessions were held.

BOARD MEMBERS PRESENT:

- Barbara Campbell, DPM..... Board President and Practitioner Member
-  Albert Eulano, DPM. Practitioner Member
- Mark Forman, DPM.....Practitioner Member
- Vacancy.....Public Member
- Vacancy.....Public Member

STAFF AND ASSISTANT ATTORNEY GENERAL PRESENT:

- Heather Broaddus..... Executive Director
- Seamus Monaghan, Esq.....Assistant Attorney General

GUEST(S) PRESENT AND/OR PARTICIPATING

-  Kimberly Kent, Esq.....Attorney
- David Larson, DPM..... Licensee
-  Woodrow Thompson, Esq.....Attorney
-  Scott Maling, DPM.....Licensee
-  Bruce Crawford, DPM.....Attorney
-  P.M.....Complainant
-  Robin Burgess, Esq.....Attorney
-  Jerome Steck, DPM.....Investigator
-  Dedrie Polakof, DPM.....Investigator
-  Daniel Saunders, DPM.....Investigator
-  Appeared telephonically

OPEN SESSION

Dr. Campbell called the meeting to order at 8:31 a.m. The Board considered the following order of business.

The Americans with Disabilities Act: Persons with disabilities may request reasonable accommodations, such as sign language interpreters. Requests should be made as early as possible to allow time to arrange the accommodation. This document is available in alternative format upon request.

DECLARATION OF CONFLICTS OF INTEREST – A.R.S. §38-503

There were no declarations of conflicts of interest.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Investigations

20-22-C; Michael Dershowitz, DPM

The Board’s Investigator, Dr. Steck, was present telephonically and provided a summary to the Board. Dr. Steck answered Board members’ questions.

Dr. Dershowitz was not present but his attorney, Kimberly Kent, Esq., was present. Ms. Kent requested to speak and made a statement. The Complainant was not present. After deliberation, Board members noted that three other health professionals provided services to the patient. The Board noted that the records from the other health professionals would be beneficial in adjudicating this matter. Dr. Campbell made a motion, seconded by Dr. Forman, to continue Complaint No. 20-22-C; Michael Dershowitz, DPM, to a future Board meeting in order to obtain additional records. The motion carried unanimously, 3-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	VACANCY	VACANCY
Yay	X	X	X		
Nay					
Recused					
Abstained					
Absent					

REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING MANDATORY REPORTING PURSUANT TO A.R.S. §32-3208 PERTAINING TO DAVID LARSON, DPM

Dr. Campbell provided a brief summary stating that Dr. Larson self-reported a misdemeanor charge. Dr. Larson was present and his attorney, Woodrow Thompson, Esq., was present telephonically. Dr. Larson stated that the misdemeanor charge was dropped as he completed a diversion program. Mr. Thompson was available to answer any legal questions. After deliberation, it was the consensus of the Board to take no action and to close this matter.

Investigations

21-08-C; Scott Maling, DPM

The Board’s Investigator, Dr. Saunders, was present telephonically and provided a summary to the Board.

Dr. Maling and his attorney, Bruce Crawford, Esq., were present telephonically requested to speak, made a statement and answered Board members' questions. The Complainant was not present. After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to dismiss Complaint No. 21-08-C, Scott Maling, DPM, as there were no violations of statute or rule. The motion carried unanimously, 3-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	VACANCY	VACANCY
Yay	X	X	X		
Nay					
Recused					
Abstained					
Absent					

REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING CORRESPONDENCE RECEIVED FROM BRUCE CRAWFORD, ESQ., ON BEHALF OF SETH CLARK, DPM, RELATING TO COMPLAINT NO. 20-23-C

Dr. Campbell provided a brief summary stating that Complaint No. 20-23-C is duplicative of Complaint No. 19-07-C. Dr. Campbell stated that the Board previously adjudicated Complaint No. 19-07-C in which Dr. Clark was issued a Consent Agreement and Order. Dr. Clark was not present but his attorney, Bruce Crawford, Esq., was present telephonically. The Complainant was not present. After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to dismiss Complaint No. 20-23-C; Seth Clark, DPM, for lack of jurisdiction. The motion carried unanimously, 3-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	VACANCY	VACANCY
Yay	X	X	X		
Nay					
Recused					
Abstained					
Absent					

Investigations

21-15-C; Chad Westphal, DPM

The Board's Investigator, Dr. Polakof, was present telephonically and provided a summary to the Board. Dr. Polakof answered Board members' questions.

The Complainant, P.M., was present telephonically, requested to speak, made a statement and answered Board members' questions. Dr. Westphal was not present but his attorney, Robin Burgess, Esq., was present telephonically. Ms. Burgess requested to speak and made a statement. Ms. Burgess explained the circumstances for the delay in surgery. Board members' noted that Dr. Westphal's records are not complete. Board members' expressed concern that Dr. Westphal

did not treat P.M.’s condition as an emergent situation. After deliberation, Dr. Campbell made a motion, seconded by Dr. Forman, to forward Complaint No. 21-15-C, Chad Westphal, DPM, to an Informal Hearing for possible violation of A.R.S. §32-854.01(11) for possibly Failing or refusing to maintain adequate records and for possible violation of A.R.S. §32-854.01(22) for possibly committing any conduct or practice that is or might be harmful or dangerous to the health of a patient. The motion carried unanimously, 3-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	VACANCY	VACANCY
Yay	X	X	X		
Nay					
Recused					
Abstained					
Absent					

REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

Discussion and approval of the Open Session Minutes from the February 9, 2022, Board meeting

After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve the February 9, 2022, Open Session Minutes as drafted. The motion carried unanimously, 3-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	VACANCY	VACANCY
Yay	X	X	X		
Nay					
Recused					
Abstained					
Absent					

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Initial Analysis

1. Miller, Katherine

Ms. Broaddus provided a summary stating that the Board office received a Complaint indicating that Katherine Miller is providing podiatric medical services without having a license. Ms. Broaddus stated that Ms. Miller acknowledged that she provides the following services:

- Soaks feet
- Trims and files nails
- Buffs calluses
- Massages the foot to the knee

Board members expressed concern that the services Ms. Miller provides are podiatric medical services. Board members noted that Ms. Miller is not licensed in Arizona as a health professional. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to issue a Cease and Desist Order to Ms. Miller and to forward this matter to the Arizona State Board of Nursing, as Ms. Miller is a retired certified nursing assistant. The motion carried unanimously, 3-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	VACANCY	VACANCY
Yay	X	X	X		
Nay					
Recused					
Abstained					
Absent					

Issuance of Licenses

1. Glazer, Devon, DPM

Upon review of Dr. Glazer’s application, the Board noted his application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Glazer’s application upon payment of the license issuance fee. The motion carried unanimously, 3-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	VACANCY	VACANCY
Yay	X	X	X		
Nay					
Recused					
Abstained					
Absent					

2. Kestner, Steven, DPM

Upon review of Dr. Kestner’s application, the Board noted his application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Kestner’s application upon payment of the license issuance fee. The motion carried unanimously, 3-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	VACANCY	VACANCY
Yay	X	X	X		
Nay					
Recused					
Abstained					
Absent					

3. Krall, Victor, DPM

Upon review of Dr. Krall’s application, the Board noted his application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Krall’s application upon payment of the license issuance fee. The motion carried unanimously, 3-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	VACANCY	VACANCY
Yay	X	X	X		
Nay					
Recused					
Abstained					
Absent					

4. Lewis, Mark, DPM

Upon review of Dr. Lewis’ application, the Board noted his application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Lewis’ application upon payment of the license issuance fee. The motion carried unanimously, 3-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	VACANCY	VACANCY
Yay	X	X	X		
Nay					
Recused					
Abstained					
Absent					

5. Sabic, Aldin, DPM

Upon review of Dr. Sabic’s application, the Board noted that he will not complete his residency program until June 2022 otherwise his application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Sabic’s application upon successful completion of his residency and upon payment of the license issuance fee. The motion carried unanimously, 3-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	VACANCY	VACANCY
Yay	X	X	X		
Nay					
Recused					
Abstained					
Absent					

6. Sann, Taylor, DPM

Upon review of Dr. Sann’s application, the Board noted her application meets requirements of statute and rule. After review, Dr. Campbell made a motion, seconded by Dr. Forman, to approve Dr. Sann’s application upon payment of the license issuance fee. The motion carried unanimously, 3-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	VACANCY	VACANCY
Yay	X	X	X		
Nay					
Recused					
Abstained					
Absent					

EXECUTIVE DIRECTOR’S REPORT

Ms. Broaddus summarized that renewal postcards have been ordered in anticipation of the upcoming renewal cycle.

Ms. Broaddus summarized that the Board’s website is migrating to a new Drupal platform.

Ms. Broaddus summarized that draft rules were published in the Secretary of States register on January 28, 2022. The draft rules were also posted on the Board’s website for public comment on January 28, 2022. The public comment period closed on March 6, 2022. On March 7, 2022, the draft rules were submitted to the Governor’s Office for final approval.

Ms. Broaddus provided a summary of the complaint log.

Ms. Broaddus provided a summary of the budget.

LEGISLATIVE UPDATE AND DISCUSSION

Ms. Broaddus briefly summarized HB2070, HB2147, HB2162, HB2371, HB2412, HB2564, HB2599, SB1043, SB1052, SB1090, SB1111, SB1127, SB1162 and SB1568

SUMMARY OF CURRENT EVENTS

There were no current events.

CALL TO THE PUBLIC

There was no call to the public.

DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MEETING AGENDAS

There were no future agenda items.

NEXT BOARD MEETING DATE

The next Board meeting is April 13, 2022.

ADJOURNMENT

A motion was made by Dr. Campbell, seconded by Dr. Forman, and passed unanimously, 3-0, to adjourn the meeting at 10:44 a.m. The motion carried unanimously, 3-0.

	Dr. Campbell	Dr. Eulano	Dr. Forman	VACANCY	VACANCY
Yay	X	X	X		
Nay					
Recused					
Abstained					
Absent					